

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
LYNCHBURG DIVISION

CLERK'S OFFICE U.S. DIST. COURT
AT LYNCHBURG, VA
FILED

AUG 29 2006

JOHN F. CORCORAN, CLERK
BY: *[Signature]*
DEPUTY CLERK

DELTA STAR, INC.,

Plaintiff,

v.

NSTAR ELECTRIC & GAS CORP.,

Defendant.

CIVIL ACTION No. 6:05-CV-00022

ORDER

JUDGE NORMAN K. MOON

This matter is before the Court on Plaintiff Delta Star, Inc.'s motion to dismiss Counts Two and Three of the Counterclaim of Defendant NSTAR Electric and Gas Corp. A hearing was held on the motion on July 19, 2006. For the reasons stated in the accompanying Memorandum Opinion, the motion is DENIED.

It is so ORDERED.

ENTERED:

Norman K. Moon
U.S. District Judge

August 29, 2006
Date